

# **Exhibit 3**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

CONTINUED VIDEOTAPED DEPOSITION OF NINGJUN QI

San Francisco, California

Saturday, September 30, 2017

Volume III

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2716660

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CONITNUED VIDEOTAPED DEPOSITION OF NINGJUN QI,  
taken on behalf of the Plaintiff, at Veritext Legal  
Solutions, 101 Montgomery Street, 4th Floor,  
San Francisco, California, commencing at 9:29 a.m.,  
Saturday, September 30, 2017 before  
Rebecca L. Romano, Certified Shorthand  
Reporter No. 12546

1 my mind, I thought it would be viewed as 12:04:54

2 confidential if I did encrypt it.

3 Q. Stroz issued a due-diligence report at

4 the end of its investigation into the diligenced

5 employees, correct?

12:05:13

6 A. Yes.

7 Q. Did you ever see that report that was

8 issued?

9 A. No.

10 Q. Did you ever see any interim reports that

12:05:20

11 Stroz issued?

12 A. I don't know if it was an interim report,

13 but I had seen something that related to their

14 initial finding.

15 MS. DEARBORN: And I would just

12:05:44

16 caution you -- I'm sorry. This is a late

17 caution --

18 THE DEPONENT: Yeah.

19 MS. DEARBORN: -- but to the extent you

20 received information only from lawyers, please

12:05:49

21 exclude that from your answer.

22 THE DEPONENT: Okay.

23 MR. EISEMAN: I'm definitely --

24 MS. DEARBORN: Just answer "yes" or "no."

25 THE DEPONENT: Okay.

12:05:54

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1 Q. (By Mr. Eiseman) What I'm -- what I'm 12:05:56  
2 actually trying to find out is if you ever received  
3 any written materials from Stroz as -- in  
4 connection with their due-diligence investigation.

5 MS. DEARBORN: You can answer that from 12:06:06  
6 Stroz.

7 THE DEPONENT: From Stroz? No.

8 Q. (By Mr. Eiseman) All right. May- --  
9 whether or not you received it directly from Stroz,  
10 did you ever receive any of Stroz's work product 12:06:13  
11 that was created by Stroz as part of its  
12 due-diligence investigation?

13 A. I don't know.

14 Q. Did you ever see any interview memorandum  
15 that was prepared by Stroz as part of its 12:06:38  
16 due-diligence investigation?

17 MS. DEARBORN: And to the extent that --  
18 that any materials were provided to you by lawyers,  
19 I would ask you to exclude those from your answer.

20 MR. EISEMAN: Well, no, I would disagree 12:06:50  
21 with that. I'm talking about written materials.  
22 If the lawyers handed the written materials to  
23 Ms. Qi, then I think I get to ask about those.

24 MS. DEARBORN: I think you can ask  
25 typical privilege-bounding questions in terms of, 12:07:00

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1 you know, whether she received materials from 12:07:02  
2 lawyers. I am not sure you get to explore -- in  
3 fact, I'm sure you do not get to explore the  
4 materials that may have -- that lawyers gave her.  
5 MR. EISEMAN: If they are not otherwise 12:07:16  
6 privileged, I get to.  
7 MS. DEARBORN: Well, I think that the  
8 fact that she -- if she received information from  
9 lawyers, that would be privileged.  
10 MR. EISEMAN: All right. Well, let's go 12:07:23  
11 about it this way, why don't we.  
12 Let's mark, as Exhibit 7856, a total  
13 that's Bates-numbered UBER00312509.  
14 (Exhibit 7856 was marked for  
15 identification by the court reporter and is 12:07:49  
16 attached hereto.)  
17 THE DEPONENT: Do you want me to read  
18 through all this?  
19 MR. EISEMAN: Not quiet yet, but why  
20 don't you take a minute to familiarize yourself 12:08:06  
21 with it -- with the document.  
22 MS. DEARBORN: I know this is unusual,  
23 but, actually, would you mind if we took a minute  
24 off the record just so I can discuss with my client  
25 something? 12:08:21

1 MR. EISEMAN: That's fine. 12:08:21

2 MS. DEARBORN: Okay. Thank you.

3 THE VIDEOGRAPHER: Going of the record at

4 12:08 p.m.

5 (Recess taken.) 12:08:32

6 THE VIDEOGRAPHER: Back on the record at

7 12:12 p.m.

8 Q. (By Mr. Eiseman) Ms. Qi, you have

9 Exhibit 7856 in front of you?

10 A. Yes. 12:12:02

11 Q. Have you seen this document before?

12 A. I don't think so. I am not sure.

13 MR. EISEMAN: All right. Well, let me

14 just state for the record that I have an email --

15 and I'm happy to show you this -- 12:12:16

16 MS. DEARBORN: Uh-huh.

17 MR. EISEMAN: -- Ms. Dearborn -- an email

18 from Karen Dunn at your firm to the this

19 Special Master John Cooper where she is

20 outlining -- actually, let's go off the record for 12:12:33

21 a second. Let's do it a different way.

22 THE VIDEOGRAPHER: Going off the record

23 at 12:12 p.m.

24 (Recess taken.)

25 THE VIDEOGRAPHER: Back on the record 12:13:29

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1 12:13 p.m. 12:13:30

2 Q. (By Mr. Eiseman) All right, Ms. Qi.

3 While we were off the record, I had a

4 discussion with Ms. Dearborn, and I just want to

5 say that I have an email here in which counsel for 12:13:34

6 Uber represented to the special master overseeing

7 discovery and to counsel for Waymo that you

8 received, on approximately April 3rd, a redacted

9 interview memorandum that later became part of the

10 Stroz due-diligence report, and that's what I'm -- 12:13:56

11 I've put in front of you, so --

12 A. Uh-huh.

13 Q. -- does that refresh your recollection at

14 all about having seen an interview memorandum

15 during the course of the Stroz' due diligence? 12:14:01

16 MS. DEARBORN: And I would just object to

17 form, and also clarify: April 3rd, 2016, correct?

18 MR. EISEMAN: That's right. That's

19 right.

20 THE DEPONENT: So I do remember receiving 12:14:12

21 a document. Honestly, given the length of this, I

22 don't remember if it was this specific file.

23 Q. (By Mr. Eiseman) All right. Do you

24 remember that the document you did receive recapped

25 an interview that was done by Stroz of 12:14:26

1 Mr. Levandowski? 12:14:28

2 MS. DEARBORN: Objection to form.

3 THE DEPONENT: I remember there was a  
4 component of that, yes.

5 Q. (By Mr. Eiseman) When you say it was -- 12:14:46  
6 "there was a component of that, yes," what do you  
7 mean?

8 A. I remember the mention that I notice in  
9 here about the March 11th meeting. So I do  
10 remember that part, but I don't really remember 12:15:01  
11 whether the -- it was a full interview, whether it  
12 was just -- I don't remember the details around it.

13 Q. All right. Do you recall reading -- ever  
14 reading the full interview that Mr. Levandowski  
15 gave to Stroz? 12:15:12

16 MS. DEARBORN: Objection to form.

17 THE DEPONENT: The full -- the full  
18 interview?

19 MR. EISEMAN: Right.

20 THE DEPONENT: I don't remember. 12:15:21

21 Q. (By Mr. Eiseman) Do you remember  
22 receiving -- reading a summary of the interview  
23 beyond the information about the March 11th  
24 meeting?

25 A. I don't really remember. 12:15:33

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